



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Our Ref: 1038-765 MIS:jb

1122

In re patent application

No. 009/007,093

Applicant: Naveen N. Anand et al

Title: CHIMERIC ANTIBODIES FOR DELIVERY OF ANTIGENS
TO SELECTED CELLS OF THE IMMUNE SYSTEM

Filed: January 14, 1998

Group No. 1644

Examiner: Ronald B. Schwardon

RECEIVED

MAY 03 2002

TECH CENTER 1600/2900

DECLARATION UNDER 37 C.F.R. 1.131

We, Naveen N. Anand, Brian H. Barber, George A. Cates, Judith E. Caterini and Michel H. Klein, respectively of 88 Carnival Court, North York, Ontario, Canada, M2R 3T8; 1428 Broadmoor Avenue, Mississauga, Ontario, Canada, L5G 3T5; 37 Pemberton Road, Richmond Hill, Ontario, Canada, L4C 3T5; 91 Chatfield Drive, Ajax, Ontario, Canada, L1P 2J4; and 54 Strathgowen Avenue, Toronto, Ontario, Canada, M4N 1B9, declare as follows:

1. We are the joint inventors named in this application. The experiments referred to herein were performed in Canada.
2. Prior to April 1995, we had constructed the expression plasmid pCMVdhfr.chLCHC, a single expression vector containing the genes for both light and heavy chains as distinct transcription units each under its own promoter, constructed according to the procedure of Example 5.
3. Prior to April 1995, we had used the expression plasmid pCMVdhfr.chLCHC to produce, isolate and purify ch 44H104-CLTB36 conjugate, by Protein A purification and hplc fractionation, according to the procedure of Examples 5 and 6.
4. Prior to April 1995, we had characterized ch 44H104-CLTB36 conjugate as a covalently-linked dimer of heterodimers of heavy and light chains, according to the procedure of Example 8.

5. Prior to April 1995, we had utilized ch 44H104-CLTB conjugate in the immunization of macaques, according to the procedure of Example 9.

6. In support of these declarations, we append hereto appropriate pages of laboratory notebooks containing the various experiments described above and in the specification.

7. With respect to the laboratory notebook pages:

- The pages from notebook 1029 are signed by J. Remani, a technician working under the direction of the inventor Naveen N. Anand, who also signed these pages.

- The pages from notebook 1111 are signed by Judith E. Caterini, an inventor, with the exception of the page headed "Test Requisition Form", which is from J. Broderick, a technician working under the direction of Judith E. Caterini, to L. Gisonni, who performed the immunology experiments.

- In the papers from notebook 1111 is included page 53 dated May 15, 1995. However, as is clear from the page, the data presented is dated November 15, 1994. Page 54, also dated May 15, 1995, refers to certain conclusions and contains no new data.

- The pages from notebook 1157 are signed by Jason Broderick, a technician working under the direction of the inventor Judith E. Caterini, who also has signed many of these papers.

Included in these pages from notebook 1157 are pages 195 and 196, the first dated June 20, 1995 and the second dated June 17, 1995. The first page refers to work done June 14, 1995 and the second page to work done June 15, 1995. These pages refer to a "Boost #2 preparation" and a "Peptide Boost for group #3". These pages report work performed after April 1995 but are not concerned with data reported in this patent application.

We hereby declare that the laboratory notebook pages describe experimentation which was included in the Examples of the patent application, as identified above, performed prior to April 1995.

8. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of this application or any patent issuing thereon.

Declared at Dorval, Quebec
this 6 day of March, 2002.

Naveen N. Anand
Naveen N. Anand

Brian H. Barber
Brian H. Barber

George A. Cates
George A. Cates

Judith E. Caterini
Judith E. Caterini

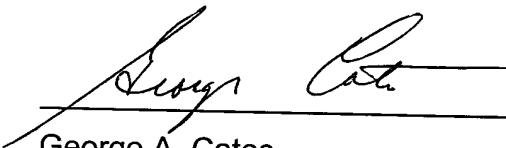
Michel H. Klein
Michel H. Klein

We hereby declare that the laboratory notebook pages describe experimentation which was included in the Examples of the patent application, as identified above, performed prior to April 1995.

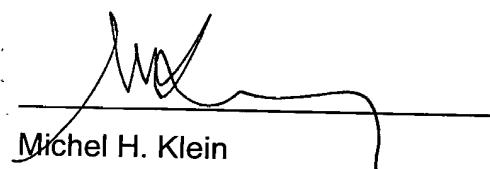
8. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of this application or any patent issuing thereon.

Declared at Toronto, Ontario
this 2 day of April, 2002.

Naveen N. Anand



George A. Cates



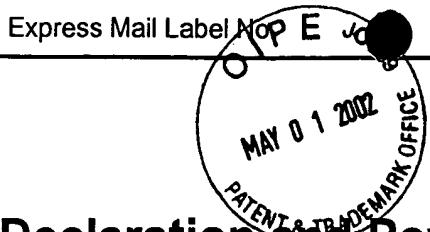
Michel H. Klein



Brian H. Barber



Judith E. Caterini

Docket No.
1038-765 MIS

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

CHIMERIC ANTIBODIES FOR DELIVERY OF ANTIGENS TO SELECTED CELLS OF THE IMMUNE SYSTEM

the specification of which
(check one)

is attached hereto.

was filed on January 14, 1998 as United States Application No. or PCT International

Application Number 09/007,093

and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

08/943,135 (Application Serial No.)	October 3, 1997 (Filing Date)	Pending (Status) (patented, pending, abandoned)
08/483,576 (Application Serial No.)	June 7, 1995 (Filing Date)	Pending (Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

Michael I. Stewart (Reg. No. 24,973)

Send Correspondence to: **Sim & McBurney**
6th Floor, 330 University Avenue
Toronto, Ontario
Canada, M5G 1R7.

Direct Telephone Calls to: *(name and telephone number)*
Michael I. Stewart (416) 595-1155

Full name of sole or first inventor Naveen N. Anand	Sole or first inventor's signature <i>Naveen N. Anand</i>	Date <i>March 6, 2002</i>
Residence Toronto, Ontario, Canada		
Citizenship Canadian		
Post Office Address 88 Carnival Court, Toronto, Ontario, Canada, M2R 3T8.		

Full name of second inventor, if any Brian H. Barber	Second inventor's signature	Date
Residence Mississauga, Ontario, Canada		
Citizenship Canadian		
Post Office Address 1428 Broadmoor Avenue, Mississauga, Ontario, Canada, L5G 3T5.		

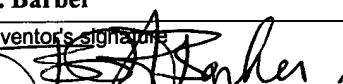
POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Michael I. Stewart (Reg. No. 24,973)

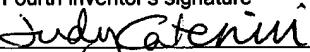
Send Correspondence to: **Sim & McBurney**
6th Floor, 330 University Avenue
Toronto, Ontario
Canada, M5G 1R7.

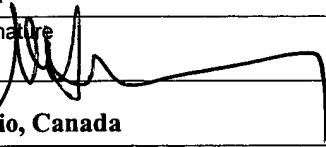
Direct Telephone Calls to: (name and telephone number)
Michael I. Stewart (416) 595-1155

Full name of sole or first inventor Naveen N. Anand	
Sole or first inventor's signature	Date
Residence Toronto, Ontario, Canada	
Citizenship Canadian	
Post Office Address 88 Carnival Court, Toronto, Ontario, Canada, M2R 3T8.	

Full name of second inventor, if any Brian H. Barber	<i>Tues 28, 2002</i>
Second inventor's signature 	Date
Residence Mississauga, Ontario, Canada	
Citizenship Canadian	
Post Office Address 1428 Broadmoor Avenue, Mississauga, Ontario, Canada, L5G 3T5.	

Full name of third inventor, if any	George A. Cates	Feb 28, 2002
Third inventor's signature		Date
Residence	Richmond Hill, Ontario, Canada	
Citizenship	Canadian	
Post Office Address	37 Pemberton Road, Richmond Hill, Ontario, Canada, L4C 3T5.	

Full name of fourth inventor, if any	Judith E. Caterini	Feb 28, 2002
Fourth inventor's signature		Date
Residence	Ajax, Ontario, Canada	
Citizenship	Canadian	
Post Office Address	91 Chatfield Drive, Ajax, Ontario, Canada, L1P 2J4.	

Full name of fifth inventor, if any	Michel H. Klein	March 6, 2002
Fifth inventor's signature		Date
Residence	Toronto, Ontario, Canada	
Citizenship	Canadian	
Post Office Address	54 Strathgowen Avenue, Toronto, Ontario, Canada, M4N 1B9.	

Full name of sixth inventor, if any		
Sixth inventor's signature		
Residence		
Citizenship		
Post Office Address		